

AMENDED IN ASSEMBLY MAY 15, 2012

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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2245

Introduced by Assembly Member Smyth

February 24, 2012

An act to add *and repeal* Section 21080.38 ~~to~~ of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2245, as amended, Smyth. Environmental quality: California Environmental Quality Act: exemption: bikeways.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA exempts from its requirements specified projects and activities.

This bill would, *until January 1, 2017*, additionally exempt a Class II bikeway project, as defined for purposes of the Streets and Highways Code, undertaken by a city, county, or ~~a city and county~~ within an existing road right-of-way. *For a Class II bikeway project that is*

determined to be exempted from CEQA under this provision, the bill would require a city, county, or city and county to prepare an assessment of traffic and safety impacts and to hold a public hearing to review those impacts, and receive and respond to public comments.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21080.38 is added to the Public Resources
- 2 Code, to read:
- 3 21080.38. ~~This~~ *(a) Except as provided in subdivision (b), this*
- 4 *division does not apply to a project for Class II bikeways, as*
- 5 *specified in subdivision (b) of Section 890.4 of the Streets and*
- 6 *Highways Code, undertaken by a city or county within an existing*
- 7 *road right-of-way.*
- 8 *(b) If a city or county determines that a Class II bikeway project*
- 9 *is exempt pursuant to this section, the city or county shall prepare*
- 10 *an assessment of any traffic and safety impacts of the project and*
- 11 *hold a public hearing to review those impacts and hear and*
- 12 *respond to public comments.*
- 13 *(c) This section shall remain in effect only until January 1, 2017,*
- 14 *and as of that date is repealed, unless a later enacted statute, that*
- 15 *is enacted before January 1, 2017, deletes or extends that date.*